

Last revised 8/1/15

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

In Re:
DENISE M. FLAGG

Case No.: 16-10730
Judge: CMG
Chapter: 13

Debtor(s)

Chapter 13 Plan and Motions

- ☐ Original ☒ Modified/Notice Required ☒ Discharge Sought
☐ Motions Included ☐ Modified/No Notice Required ☐ No Discharge Sought

Date: _____

THE DEBTOR HAS FILED FOR RELIEF UNDER
CHAPTER 13 OF THE BANKRUPTCY CODE

YOUR RIGHTS WILL BE AFFECTED

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the Notice. **This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice.**

**YOU SHOULD FILE A PROOF OF CLAIM BY THE DEADLINE STATED
IN THE NOTICE TO RECEIVE DISTRIBUTIONS UNDER ANY PLAN
THAT MAY BE CONFIRMED, EVEN IF THE PLAN REFERS TO YOUR CLAIM**

Part 1: Payment and Length of Plan

a. The debtor shall pay \$ 460.00 per month to the Chapter 13 Trustee, starting on July 1, 2017 for approximately 43 months.

b. The debtor shall make plan payments to the Trustee from the following sources:

- ☒ Future earnings
☐ Other sources of funding (describe source, amount and date when funds are available):

c. Use of real property to satisfy plan obligations:

- ☐ Sale of real property

Description:

Proposed date for completion: _____

- ☐ Refinance of real property:

Description:

Proposed date for completion: _____

- ☐ Loan modification with respect to mortgage encumbering property:

Description:

Proposed date for completion: _____

- d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

- e. ☐ Other information that may be important relating to the payment and length of plan:

Part 2: Adequate Protection

a. Adequate protection payments will be made in the amount of \$ _____ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to _____ (creditor).

b. Adequate protection payments will be made in the amount of \$ _____ to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: _____ (creditor).

Part 3: Priority Claims (Including Administrative Expenses)

All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
Albert Russo Law Firm of Brian W. Hofmeister, LLC	administrative administrative	commissions \$2,210.00

Part 4: Secured Claims

a. Curing Default and Maintaining Payments

The Debtor shall pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)

b. Modification

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

NOTE: A modification under this Section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to be Paid

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

c. Surrender

Upon confirmation, the stay is terminated as to surrendered collateral. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt
Orange Lake Capital Management Chase Auto Finance	time share - 8505 W. Irlo Bronson Memorial Hwy, Kissimmee, FL Unit 005652, Week 36 in full satisfaction of debt. Any and all maintenance contracts are deemed rejected and terminated	unknown \$22,925.	unknown \$3,216.19

d. Secured Claims Unaffected by the Plan

The following secured claims are unaffected by the Plan:
Nationstar Mortgage, LLC - paid outside plan per approved loan modification

e. Secured Claims to be Paid in Full Through the Plan:

Creditor	Collateral	Total Amount to be Paid Through the Plan

Part 5: Unsecured Claims

a. Not separately classified allowed non-priority unsecured claims shall be paid:

- ☐ Not less than \$ _____ to be distributed *pro rata*
☒ Not less than 100 percent
☐ *Pro Rata* distribution from any remaining funds

b. Separately classified unsecured claims shall be treated as follows:

Creditor	Basis For Separate Classification	Treatment	Amount to be Paid

Part 6: Executory Contracts and Unexpired Leases

All executory contracts and unexpired leases are rejected, except the following, which are assumed:

Creditor	Nature of Contract or Lease	Treatment by Debtor

Part 7: Motions

NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A *Certification of Service* must be filed with the Clerk of Court when the plan and transmittal notice are served.

a. Motion to Avoid Liens Under 11. U.S.C. Section 522(f).

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided

b. Motion to Avoid Liens and Reclassify Claim From Secured to Completely Unsecured.

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount of Lien to be Reclassified

c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured.

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured

Part 8: Other Plan Provisions

a. Vesting of Property of the Estate

- ☒ Upon confirmation
☐ Upon discharge

b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Trustee shall pay allowed claims in the following order:

- 1) Trustee commissions
- 2) administrative
- 3) secured
- 4) priority and general unsecured

d. Post-Petition Claims

The Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

Part 9: Modification

If this Plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being Modified: 4/27/2016.

Explain below *why* the plan is being modified:

Part 1: monthly payment and time period amended.

Part 4(a): remove repayment of mortgage arrears as Debtor has received loan modification

Part4 (c): surrender 2011 Infiniti M37 to JPMorgan Chase Bank.

Part 4(d): Nationstar Mortgage to be paid outside Plan per approved loan modification

Explain below *how* the plan is being modified:

Part 1: monthly payment amended to \$460.00 per month beginning July 1, 2017 for approximately 43 months.

Part 4(a): remove repayment of mortgage arrears as Debtor has received loan modification

Part4c: surrender of 2011 Infiniti M37 to JPMorgan Chase Bank and reduce and modify claim.

Part 4(d): Nationstar Mortgage to be paid outside Plan per approved loan modification

Are Schedules I and J being filed simultaneously with this Modified Plan? ☒ Yes ☐ No

Part 10: Sign Here

The Debtor(s) and the attorney for the Debtor (if any) must sign this Plan.

Date: _____

/s/Brian W. Hofmeister

Attorney for the Debtor

I certify under penalty of perjury that the above is true.

Date: _____

/s/Denise M. Flagg

Debtor

Date: _____

Joint Debtor

Certificate of Notice Page 8 of 9
 United States Bankruptcy Court
 District of New Jersey

In re:
 Denise M Flagg
 Debtor

Case No. 16-10730-CMG
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-3

User: admin
 Form ID: pdf901

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 Total Noticed: 27

Date Rcvd: Jun 22, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jun 24, 2017.

db +Denise M Flagg, 9-2 Victoria Court, Freehold, NJ 07728-3917
 cr +Nationstar Mortgage LLC, RAS Citron, LLC, 130 Clinton Road, Suite 202,
 Fairfield, NJ 07004-2927
 cr +Wyndham Place at Freehold Condominium Association,, c/o Cutolo Mandel, LLC,
 151 Highway 33 East, Suite 204, Manalapan, NJ 07726-8635
 515947829 #ACB Receivables, 19 Main Street, PO Box 350, Asbury Park, NJ 07712-0350
 515947830 Capital One, PO Box 30285, Salt Lake City, UT 84130-0285
 516022138 Capital One Bank (USA), N.A., PO Box 71083, Charlotte, NC 28272-1083
 515947832 First Premier Bank, P.O. Box 5519, Sioux Falls, SD 57117-5519
 515947833 +Healthsouth Rehabilitation Hospital, of Tinton Falls, 2 Centre Plaza,
 Tinton Falls, NJ 07724-9744
 516048550 JPMorgan Chase Bank, N.A., National Bankruptcy Department, P.O. BOX 901032,
 Ft. Worth, TX 76101-2032
 515947836 N. Ocean County Medical Assoc., PO Box 416923, Boston, MA 02241-6923
 516125861 ++NATIONSTAR MORTGAGE LLC, PO BOX 619096, DALLAS TX 75261-9096
 (address filed with court: Nationstar Mortgage LLC, PO Box 619096, Dallas, TX 75261-9741)
 516462572 +Nationstar Mortgage LLC, c/o Robertson, Anschutz & Schneid P.L., 6409 Congress Ave.,
 Suite 100, Boca Raton FL 33487-2853
 515947837 +Nationstar Mortgage, LLC, 8950 Cypress Waters Blvd., Coppell, TX 75019-4620
 515947838 New Jersey Healthcare Specialist, PO Box 417191, Boston, MA 02241-7191
 515947839 One Main Financial, Bankruptcy Department Personnel, PO box 140489, Irving, TX 75014-0489
 515947840 +Orange Lake Capital Management, 8505 W. Irlo Bronson Memorial Hwy, Kissimmee, FL 34747-8217
 515947842 +Wyndham Place at Freehold Condo Assoc., c/o Cutolo Mandel, 151 Highway 33 East, Suite 204,
 Manalapan, NJ 07726-8635

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

smg E-mail/Text: usanj.njbankr@usdoj.gov Jun 22 2017 22:19:52 U.S. Attorney, 970 Broad St.,
 Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534
 smg +E-mail/Text: ustpreregion03.ne.ecf@usdoj.gov Jun 22 2017 22:19:48 United States Trustee,
 Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,
 Newark, NJ 07102-5235
 515947831 E-mail/Text: bk.notifications@jpmchase.com Jun 22 2017 22:19:39 Chase Auto Finance,
 PO Box 901076, Fort Worth, TX 76101-2076
 516051336 E-mail/Text: bk.notifications@jpmchase.com Jun 22 2017 22:19:39 JPMorgan Chase Bank, N.A.,
 POB 29505, AZ1-1191, Phoenix, AZ 85038-9505
 515947834 E-mail/Text: JSUMCbankruptcy@meridianhealth.com Jun 22 2017 22:20:23
 Jersey Shore University Medical Center, PO Box 417140, Boston, MA 02241-7140
 515993652 E-mail/Text: bkr@cardworks.com Jun 22 2017 22:18:54 Merrick Bank,
 c/o Resurgent Capital Services, PO Box 10368, Greenville, SC 29603-0368
 515947835 +E-mail/Text: bkr@cardworks.com Jun 22 2017 22:18:54 Merrick Bank, PO Box 9201,
 Old Bethpage, NY 11804-9001
 516169193 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Jun 22 2017 22:29:04
 Portfolio Recovery Associates, LLC, c/o Onemain Financial, POB 41067, Norfolk VA 23541
 516157983 +E-mail/Text: JCAP_BNC_Notices@jcap.com Jun 22 2017 22:20:04 Premier Bankcard, LLC,
 c o Jefferson Capital Systems LLC, Po Box 7999, Saint Cloud Mn 56302-7999
 515947841 +E-mail/Text: bankruptcydepartment@tsico.com Jun 22 2017 22:20:25 Transworld Systems,
 507 Prudential Road, Horsham, PA 19044-2308

TOTAL: 10

***** BYPASSED RECIPIENTS *****

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
 pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update.
 While the notice was still deliverable, the notice recipient was advised to update its address with the court
 immediately.

District/off: 0312-3

User: admin
Form ID: pdf901

Page 2 of 2
Total Noticed: 27

Date Rcvd: Jun 22, 2017

***** BYPASSED RECIPIENTS (continued) *****

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jun 24, 2017

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on June 21, 2017 at the address(es) listed below:

Albert Russo on behalf of Trustee Albert Russo docs@russotrustee.com
Albert Russo docs@russotrustee.com
Brian W. Hofmeister on behalf of Debtor Denise M Flagg bwh@hofmeisterfirm.com
Denise E. Carlon on behalf of Creditor JPMorgan Chase Bank, N.A. dcarlon@kmlawgroup.com,
bkgroup@kmlawgroup.com
Hubert C. Cutolo on behalf of Creditor Wyndham Place at Freehold Condominium Association,
Inc. hcutolo@cutololaw.com
Laura M. Egerman on behalf of Creditor Nationstar Mortgage LLC bkyecf@rasflaw.com,
gshasa@rasnj.com;bkyecf@rasflaw.com;legerman@rasnj.com
Patrick O. Lacsina on behalf of Creditor Nationstar Mortgage LLC gshasa@rasnj.com,
bmusarra@rasnj.com,bkyecf@rasflaw.com,legerman@rasnj.com

TOTAL: 7